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6. CRIMINAL PROCEDURE—*Indictment—varying counts.* It is entirely permissible to describe the offence committed in various ways in separate counts of the same indictment, so as to meet the evidence as it may be adduced on the trial, and an indictment is not bad on demurrer, which in one count charges the accused with *breaking and entering a house in the night time*, and in another with *entering without breaking*.

7. CRIMINAL LAW—“*Meat-house*” a “*store-house*.” A “meat-house” is a “store-house” within the meaning of secs. 3705 and 3706 of the Code, as amended by an Act approved February 12, 1894 (Acts 1893-4, ch. 217, p. 228).

8. CRIMINAL PROCEDURE—*Felony—presence of prisoner—continuance.* If it is necessary that one indicted for felony shall be personally present when a motion is made by his counsel for a continuance of his cause, and that the record shall show that; yet, if anything appears in the record from which his presence must be necessarily inferred, it is all that the law requires; and the fact that he appears by counsel does not show that he was not personally present in court.

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CONRAD v. SMITH.—Decided at Richmond, April 4, 1895.—*Riely, J:*

1. NEGOTIABLE NOTE—*Joint makers—renewal—new note—separate transaction.* Nearly a month after the protest of a negotiable note on which two makers are bound, one of the makers, for the purpose of paying the note, executes his two negotiable notes, dated on the day of their execution, and with one exception endorsed by new endorsers, and has the same discounted and the proceeds placed to his personal credit in bank. Out of the money thus obtained he pays the original note by his individual check, and the note is marked paid by him and delivered to him, and he assigns the same to an endorser of one of the new notes. This is not a renewal of the first note, but an independent transaction, and the assignee of that note is entitled to demand of the other joint maker of it the payment of one-half thereof for the sole benefit of such assignee, and to the exclusion of the other endorsers of the new notes.

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LANGHORNE, BY &C. v. RICHMOND CITY RAILWAY Co.—Decided at Richmond, April 18, 1895.—*Buchanan, J:*

1. COMMON LAW PLEADING—*Corporations having several names—amendment of pleadings—Section 3384 of the Code.* A corporation may be known by several names as well as a natural person, and though sued for a tort alleged to have been committed under another name, a recovery may be had against it in its true name, provided its identity is averred in the pleadings and sustained by the proof. But this evidence must be confined to the issues made by the pleadings. If one corporation is sued for a personal injury, and the evidence of the defendants tends to show that the injury was committed by another corporation, the plaintiff, upon request, should be allowed to amend his declaration so as to charge that the two corporations were one and the same corporation known by both names. Sec. 3384 of the Code was clearly intended to provide for such a case, and, being remedial in its character, should be liberally construed.